EXHIBIT C

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Page 1
 1
            IN THE UNITED STATES DISTRICT COURT
           FOR THE SOUTHERN DISTRICT OF NEW YORK
 2
     THE PHILLIES, a
     Pennsylvania limited
     partnership,
 4
 5
               Plaintiff,
                                   Civil Action No. 19-7239
 6
           -vs-
 7
     HARRISON/ERICKSON,
     INCORPORATED, a New York
 8
     corporation, HARRISON
     ERICKSON, a partnership,
     and WAYDE HARRISON and
     BONNIE ERICKSON,
10
               Defendants.
11
12
13
                       5 JAMISON CIRCLE
              WEST GROVE, PENNSYLVANIA 19390
                        APRIL 14, 2020
14
                         10:26 A.M.
15
16
17
                     ****CONFIDENTIAL***
             VIDEOTAPED-TELEPHONIC DEPOSITION
18
                     TAKEN REMOTELY VIA
             VIDEOCONFERENCE AND TELECONFERENCE
19
                             OF
                      DAVID G. RAYMOND
20
21
22
23
       REPORTED BY:
24
       DEBRA SAPIO LYONS, RDR, CRR, CRC, CCR, CLR, CPE
25
       JOB NO. 179345
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Page 2
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1
                                                             1
                                                                  APPEARANCES:
                                                             2
                                                                            (All Counsel and Participants
2
                                                             3
                                                                      present via videoconference and
3
                                                             4
                                                                       teleconference due to COVID-19
                                                             5
                                                                       Restrictions.)
 4
                                                             6
                                                                    DUANE MORRIS
                   April 14, 2020
                                                                    BY: DAVID WOLFSOHN, ESQUIRE
                                                             7
                                                                        TYLER MARANDOLA, ESQUIRE
        Videotaped-telephonic deposition, taken
                                                                    30 South 17th Street
    remotely via videoconference and teleconference,
                                                             R
                                                                    Philadelphia, Pennsylvania 19103
    of David G. Raymond, located at 5 Jamison Circle,
                                                                    Attorneys for Plaintiff
8
                                                             9
9
    West Grove, Pennsylvania 19390, by Debra Sapio
                                                            10
10
    Lyons, a Registered Diplomat Reporter, a
                                                            11
                                                                    MITCHELL SILBERBERG & KNUPP
                                                            12
11
    Certified Realtime Reporter, a Certified Realtime
                                                                    BY: PAUL MONTCLARE, ESQUIRE
12
    Captioner, a Certified LiveNote Reporter, an
                                                            13
                                                                        FIAINE NGUYEN, ESQUIRE
                                                                        LEO LICHTMAN, ESQUIRE
13
    Approved Reporter of the United States District
                                                            14
                                                                    437 Madison Avenue
14
    Court for the Eastern District of Pennsylvania, a
                                                                    New York, New York 10022
15
    Certified Court Reporter of the State of New
                                                            15
                                                            16
    Jersey, and a Notary Public of the States of New
16
                                                            17
17
    Jersey, New York and the Commonwealth of
                                                            18
                                                                                  AND
18
    Pennsylvania.
                                                            19
                                                                    BY: MATTHEW WILLIAMS, ESQUIRE
19
                                                                    1818 N Street N.W.
                                                            20
                                                                    Washington, DC 20036
20
                                                                    Attorneys for Defendants
21
                                                            21
                                                            22
22
                                                                 ALSO PRESENT:
23
                                                            23
24
                                                                     ROBERT RINKEWICH, VIDEOGRAPHER
                                                            24
                                                                     TSG REPORTING, INC.
25
                                                            25
                                                     Page 4
                                                                                                                  Page 5
        Confidential - David G. Raymond
                                                                     Confidential - David G. Raymond
 1
                                                             1
 2
           THE VIDEOGRAPHER: Good morning,
                                                             2
                                                                        This is the start of Media Labeled
 3
     Counselors. My name is Robert Rinkewich.
                                                             3
                                                                  Number 1 of the video-recorded deposition
 4
     I am the legal videographer in association
                                                             4
                                                                  of David Raymond in the matter of The
                                                                  Phillies, et al., versus Harrison/Erickson
 5
     with TSG Reporting, Inc. Due to the
                                                             5
 6
     severity of the COVID-19 and following the
                                                                  Incorporated, et al. in the United States
                                                             6
     practice of social distancing, I will not
                                                                  District Court for the Southern District of
 8
     be in the same room with the witness, but
                                                             8
                                                                  New York.
 9
     will record this videotaped deposition
                                                             9
                                                                        This deposition is being taken
10
                                                            10
                                                                  telephonically and streamed on April 14th,
     remotely.
11
           The reporter, Debra Lyons, also will
                                                            11
                                                                  2020 at approximately 10:27 a.m.
12
     not be in the same room and will swear in
                                                            12
                                                                        My name is Robert Rinkewich. I am
13
                                                            13
     the witness remotely.
                                                                  the legal video specialist from TSG
14
           Do all parties stipulate to the
                                                            14
                                                                  Reporting, Inc. headquartered at 747 Third
                                                            15
15
     validity of this video recording and remote
                                                                  Avenue, New York, New York. The court
     swearing and that it will be admissible in
16
                                                            16
                                                                  reporter is Debra Lyons in association with
17
     the courtroom as if it had been taken
                                                            17
                                                                  TSG Reporting.
     following Rule 30 and other rules of the
18
                                                            18
                                                                        Counsel, please, introduce
19
     Federal Rules of Civil Procedures?
                                                            19
                                                                  vourselves.
20
                                                            20
           MR. MONTCLARE: On behalf of the
                                                                        MR. MONTCLARE: Yes. My name is
21
     Defendants, Paul Montclare, I agree,
                                                            21
                                                                  Paul Montclare. I represent Harrison
22
     stipulate.
                                                            22
                                                                  Erickson.
23
           MR. WOLFSOHN: And on behalf of The
                                                            23
                                                                        MR. WOLFSOHN: And this is David
24
     Phillies, we agree.
                                                            24
                                                                  Wolfsohn represent --
           THE VIDEOGRAPHER: Okay. Thank you.
25
                                                            25
                                                                        MR. WILLIAMS: Matthew Williams also
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Page 46 Page 47 1 Confidential - David G. Raymond Confidential - David G. Raymond 1 2 in May, sometime late April and I would -- I 2 Did you see him every day 3 would start as soon as I was done with 3 approximately that you were working? classes, which was somewhere late April, early 4 Every good day. He was -- he was 5 May. And then I would work right through till the best -- he was the best -- he was one of б the end of the season in October. 6 my best bosses ever, Paul. 7 And The Phillies during some of my 7 That's really commendable, so I'm 0. 8 time with -- early in that -- in '77 they made 8 glad to hear that. 9 the playoffs and lost in the -- in the opening 9 Did -- did you work with Chris 10 round of the playoffs, so I would continue to 10 Long at all who had a different name back work into those seasons. And while I was in 11 then? 11 12 school, I would just, you know, get to the 12 Α. Yeah, it was Chrissy Legault. 13 13 Yes. And did -- did she also work games as quickly as I could and do my work 14 there. 14 for Mr. Sullivan? 15 15 Α. Yeah, we -- back then they called But when the season was over, I --I was -- my work was done and I was going back her a secretary. Today she was a business 16 16 17 to school. 17 administrator. 18 Q. Okay. How did you get that intern 18 Q. Okay. All right. So did there 19 job, if you recall? 19 come a time when you were asked to inhabit 20 My father knew the -- the 20 the -- or withdrawn. Carpenter family who owned The Phillies at the 21 21 Where that you were asked to work 22 time. 22 with Harrison Erickson with regard to the 23 Okay. And I believe you said that 23 Phillies Phanatic? you worked with Mr. Sullivan; is that right? 24 Yes, there was a time when that 24 A. 25 Yeah, he was my direct report. 25 happened. Α. Page 48 Page 49 Confidential - David G. Raymond Confidential - David G. Raymond 1 1 2 And could you tell me the 2 well. He said, "We need you to go to New York." 3 circumstances that led you to be involved in 3 4 that? 4 And I said, "Well, what do you 5 Yes, The Phillies had called me at 5 need in New York?" 6 my fraternity house on campus. I was still in 6 "Well, you need to go to New York 7 7 school. I was actually not aware I was going and get fitted for the costume." And I was 8 to get offered another internship for that --8 confused. And then he said, "David, just go 9 in '78 because it was -- the original 9 to New York and get fitted for the costume." 10 discussion was a two-year internship. Chrissy 10 So I did, and that's the first time I met Bonnie Erickson. 11 Legault, Chrissy Legault-Long called me on the 11 12 phone and told me that Frank wanted to talk to 12 0. Okay. Did he tell you what you 13 me and she said, "Say no. Just say no" is 13 were going to New York for? 14 what she said to me. 14 He just said, "You're going to get 15 15 I got -- I got Frank on the phone fitted for the costume and we're thinking" -and Frank said, "Do you want your summer 16 I think the term he said was, "We're -- we're 16 internship back for '78?" 17 17 thinking about having a mascot." I said, "Yes." Okay. Did he say anything more 18 18 19 He said, "Will you stay for all 19 that you can remember before you went down 20 the games," which was a perk for the business, 20 there the first time? 21 I -- and then when he said, "We're going to 21 No, he didn't want to know -- he 22 22 didn't want me to know what I was actually pay you to stay for the games, " I said, "Okay. 23 What do you want me to do?" 23 going to do. 24 And he said, "Well, we've got this 24 Q. Did you ask him any questions? 25 idea." He didn't really describe the idea 25 No. No. I didn't want to screw

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                                                 Page 50
 1
              Confidential - David G. Raymond
                                                                        Confidential - David G. Raymond
                                                          1
                                                              know, with all kinds of heads and fur and
 2
     it up.
                                                          2
 3
            Ο.
                 Okay.
                                                          3
                                                              things hanging from the ceilings and it
                 I was -- I -- I was getting my job
                                                          4
                                                              was a -- it was very interesting. And they
 5
     back. That's all I cared about.
                                                          5
                                                               told me that I needed to go into the bathroom
                                                              and take my clothes off, which I -- "What?"
 б
                 Okay. So this was sometime in
                                                          б
 7
     March, I believe 1978, is that your
                                                          7
                                                                           They said, "Well, we get" -- I
 8
     recollection?
                                                          8
                                                              don't know whether I brought them or was
 9
                                                          9
                 Yeah, on or about, yes.
                                                              prepared for this, but I put on a pair of
10
                 Of course. And you went to visit
                                                         10
                                                              shorts and a T-shirt and I came out and they
11
     Harrison Erickson where?
                                                         11
                                                              measured me every which way you could imagine
12
                 It -- they had a studio somewhere
                                                         12
                                                               to measure.
13
     in the Garment District, could have been
                                                         13
                                                                           And then they -- and I don't think
     around 35th Street or whatever, but I know it
                                                         14
                                                              I was there for a great deal of time and they
14
15
     was in walking distance from Penn Station.
                                                         15
                                                               said, "Okay. You can leave."
                                                         16
16
            0.
                 And how did you get there?
                                                                           And I -- I was like, "Where's the
17
                 I believe I took the train.
                                                         17
                                                               costume? I heard I was going to get, you
                                                              know, fitted for a costume."
18
                 Okay. And do you -- and then you
                                                         18
19
     went to visit them at their studio; right?
                                                         19
                                                                           They said, "We're -- we're --
20
            A.
                 Correct.
                                                         20
                                                              we're going to build it."
                                                                           So I -- so I left and -- and went
21
            Ο.
                 And when you got there, what
                                                         21
22
     happened?
                                                         22
                                                              home, went back to Newark, Delaware.
23
                 I -- I came in and I -- I -- I was
                                                         23
                                                                           So at the time that you were there
     surprised by the look of the space 'cause it
                                                         24
24
                                                               the first time for the first fitting, there
                                                         25
25
     was a space that I had never seen before, you
                                                              was no costume created at all?
                                                 Page 52
                                                                                                           Page 53
              Confidential - David G. Raymond
                                                          1
                                                                        Confidential - David G. Raymond
1
 2
                                                          2
                                                              work for The Phillies and I was excited to be
            Α.
                 No.
 3
                 Did you have any other
                                                          3
                                                              able to -- to get in there and start whatever
            0.
 4
     conversations with Bonnie or Wayde about what
                                                          4
                                                              work it was that they had wanted me to do.
     they were doing for The Phillies?
 5
                                                          5
                                                                           Okay. I think we can all agree
 6
                 MR. WOLFSOHN: Objection to form and
                                                          6
                                                              that the Phanatic debuted in Citizen [sic]
 7
                                                          7
           vague as to time period.
                                                              Field on April 25th, 1978.
 8
     BY MR. MONTCLARE:
                                                          8
                                                                           Do you -- do you agree?
 9
                 At -- at that -- at this same
                                                          9
                                                                      Α.
                                                                           Okay. Between the first fitting
     meeting, so talking about that first meeting.
                                                         10
10
                                                                      0.
11
                 I -- I'm sure we had a very nice
                                                         11
                                                              and that date, did you ever visit with
12
     conversation. I just don't remember.
                                                         12
                                                              Harrison Erickson again?
13
                                                         13
                                                                          No, I -- I do not recall that at
                 Okay. Have you told me everything
                                                                      Α.
     you remember about the first visit?
                                                         14
                                                              all.
14
                 I -- yes.
                                                         15
15
            Α.
                                                                           So you didn't go back after the
                                                                      0.
                                                         16
                                                              costume was created to see if it fit?
16
                 Okay. When you left, did you go
            0.
17
     see Mr. Sullivan?
                                                         17
                                                                      Α.
                                                                           I don't recall.
                 I don't know when I saw
18
                                                         18
                                                                           Okay. It's a long time ago. I'll
     Mr. Sullivan out of that. I can't remember.
19
                                                         19
                                                              give you that.
20
     I -- I'm sure I called him on the phone, told
                                                         20
                                                                           So you just don't remember --
21
     him I did what they wanted me to do.
                                                         21
                                                                      Α.
                                                                           41 years ago.
22
                                                         22
            Ο.
                 You can't remember, though,
                                                                           -- one way or -- or another;
                                                                      Q.
23
     anything specific?
                                                         23
                                                              correct?
24
                 No. I was -- I was still in
                                                         24
                                                                           COURT REPORTER: Pardon me?
     school. I was thrilled that I was going to
                                                         25
                                                              BY MR. MONTCLARE:
25
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Page 54
                                                                                                          Page 55
1
              Confidential - David G. Raymond
                                                          1
                                                                       Confidential - David G. Raymond
2
                                                          2
                                                                          MR. WOLFSOHN: Objection to form.
                 I'm sorry.
3
                 It was 41 years ago. It was a
                                                          3
                                                                          THE WITNESS: They did not.
 4
     long time, yes.
                                                              BY MR. MONTCLARE:
 5
                                                          5
                 Okay. Do you remember Harrison
                                                                          You don't -- and you don't recall
 б
    Erickson asking you to try the costume on
                                                          6
                                                              anything being said about standing in front of
7
     and to -- and to move around in -- in it so
                                                          7
                                                              a mirror or practicing or doing anything else?
 8
    you got used to how it feels when you're
                                                          8
                                                                          MR. WOLFSOHN: Objection, compound.
9
    moving in it at this period of time between
                                                          9
                                                                          THE WITNESS: I got --
10
     the first fitting and April 25th, 1978?
                                                         10
                                                                          Okay.
11
                 No. To -- to my first
                                                         11
                                                                          COURT REPORTER: Please repeat your
                                                         12
12
    recollection, the first time I saw the costume
                                                                    answer.
    and tried it on was in -- on the morning of
                                                         13
                                                              BY MR. MONTCLARE:
13
     the 25th of April.
                                                         14
14
                                                                          You can answer.
                                                                     0.
15
            Q.
                 That's the best of your
                                                         15
                                                                          I got no direction at all from
                                                                     Α.
    recollection?
                                                              anyone other than Bill Giles.
16
                                                         16
                                                         17
17
                 Yes.
                                                                          That -- you're not -- you have a
18
            Ο.
                 Okay. Did -- did either -- I'll
                                                         18
                                                              clear recollection you were only there once
19
     call them Bonnie and Wayde. Do you know who
                                                         19
                                                              and you had no other conversation with her,
20
     I'm talking about?
                                                         2.0
                                                              but, you know, take off your clothes and let
21
            A.
                 Yes, I do.
                                                         21
                                                              me measure vou?
22
                 Okay. Did either Bonnie or Wayde
                                                         22
                                                                          That's my recollection. That is
23
     tell you what kind of a character it is that
                                                         23
                                                              my testimony. That is my recollection.
     they wanted this mascot to be?
                                                         24
24
                                                                          Is it possible you forgot
                                                         25
25
            Α.
                 No.
                                                              something 40 -- that happened 41 years ago at
                                                 Page 56
                                                                                                          Page 57
              Confidential - David G. Raymond
                                                                       Confidential - David G. Raymond
1
                                                          1
2
     this meeting?
                                                          2
                                                                    see it.
 3
                 Maybe, but that's my recollection.
                                                          3
                                                              BY MR. MONTCLARE:
 4
    On the record, that was my recollection.
                                                          4
                                                                          Okay. Thank you. This document,
5
                 Okay.
                                                          5
                                                              it -- it has -- on the first page it says,
 6
                 MR. MONTCLARE: Okay. We're going
                                                              "Team Handbook," and it has Harrison Erickson
                                                          6
7
           to mark next is -- is a document that's
                                                          7
                                                              95 Fifth Avenue. Do you see that?
8
           been previously marked in the Burgoyne
                                                          8
                                                                          Wait -- wait a minute. I just --
9
           deposition as Burgoyne-6.
                                                          9
                                                              I -- hold on. Let me just slide the whole --
10
                 I would ask, Elaine, please put that
                                                         10
                                                                          On the very first -- okay.
                                                                     0.
11
           up when she can.
                                                         11
                                                                     Α.
                                                                          Yeah, yeah.
12
                 MS. NGUYEN: Sure. One second.
                                                         12
                                                                     0.
                                                                          On the very first page.
13
                                                         13
                                                                          Uh-huh.
                 MR. MONTCLARE: Thank you.
                                                                     Α.
14
                 (Exhibit Burgoyne-6, multipage
                                                         14
                                                                     Ο.
                                                                          Okay. And I just want you to know
15
                                                              that this is -- was marked in -- in
           document titled Team Handbook bearing Bates
                                                         15
           Numbers PHAN0005543 through PHAN0005567,
                                                         16
                                                              Mr. Burgoyne's deposition back in February.
16
17
           was previously marked for identification.)
                                                         17
                                                                          There's an address under Harrison
                 MR. MONTCLARE: That's document
                                                              Erickson, 95 Fifth Avenue. Do you see that?
18
                                                         18
19
           Number 5 on your list, Elaine.
                                                         19
                                                                     Α.
                                                                          I do.
20
                                                         20
                 MS. NGUYEN: Yep. It's just
                                                                          And is that the place where you
21
           loading.
                                                         21
                                                              went to see them?
22
                                                         22
                                                                          I -- I -- I don't -- I don't know
                 MR. MONTCLARE: Okay. Is it ready
23
           for the witness, Elaine?
                                                         23
                                                              for sure. I -- I just know that I went to a
24
                 MS. NGUYEN: Yes, it is.
                                                         24
                                                              studio when I went there.
25
                 THE WITNESS: I can see it. I can
                                                         25
                                                                          Okay. And you said that there
```

Page 106 Page 107 1 Confidential - David G. Raymond 1 Confidential - David G. Raymond 2 Okay. So just -- so you -- you 2 I didn't start looking at my 3 looked to inspiration in comedy. I think you 3 recordings until I was doing commercials for 4 said it was a -- a mash up, but you mentioned 4 The Phillies. And then I -- I was asked by a 5 slapstick. That's what -- that's how you 5 director if I could -- if I wanted to see the б would describe your act, slapstick? 6 videotape because this was back in, you know, 7 I think it was a portion of the 7 the -- the late '70s, early '80s when no one 8 work was slapstick, yes. had, you know, videos just in their hands. So 9 9 I started watching videos of myself probably And sort of taking your 10 inspiration from cartoon characters that you 10 within the next couple of years when I was mentioned and The Three Stooges? 11 doing commercials for The Phillies and I had 11 12 12 That's correct, as well -- yeah, an opportunity to do the work and then sit 13 13 as well as live performance. down and watch it on videotape. And I 14 14 Did you ever record any of your recognized that that was very, very helpful Q. 15 routines in 1978? 15 for me to do and I tried as much as I could to 16 watch myself on videotape after that. 16 If they were recorded by -- by 17 17 some outlets and I didn't -- and I didn't do Let me ask you: Did you ever have 18 specific routines, I was -- not in the early 18 someone tape something for you specifically? 19 going until we started having fun with the 19 Eventually in my career, sure. 20 ground crew, but there -- there are -- there's 20 0. When was the first time? 21 21 video, you know, you can go on YouTube and I I think the first time was when I 22 found an old video from -- from the --22 did commercials and -- and I found out that 23 probably '79, maybe '80 of the Phanatic 23 they specifically were allowing me to look at 24 running around the bases with the ground crew, 24 my work. So I would do a particular scene and 25 25 so there had been recordings. then they would say, "Do you want to see it, Page 108 Page 109 1 Confidential - David G. Raymond Confidential - David G. Raymond 1 2 what it looks like?" And that was probably 2 It was prob -- the first one was 3 the first time. 3 probably in -- in the early to mid-'80s. 4 4 Do you have that on your -- do you And then from then on, I'm 5 sure that --5 have that anywhere in your files, sir? 6 6 No, I -- I never -- I never had When was that? Just give me a 7 7 date. those and kept them. I -- you know, it was 8 I'm quessing it was probably 1980, 8 something that was drawn up by Dave 9 That -- that's my quess. It could have 9 Montgomery. 10 been sooner, but I'm not certain. 10 Do you remember the terms of that 11 Did you ever register a copyright 11 agreement in general? 12 for anything that you wrote down or had 12 Yeah, in general they were 13 filmed? 13 approximately three years in length and they 14 14 included a salary that was benefit -- and --Α. No. 15 and it included benefits. 15 Ο. Did you have any agreements with The Phillies? 16 Okay. And how long were you 16 17 Α. 17 employed by The Phillies? I -- well, from intern in '76 18 I'd just -- I'd like to add one 18 19 thing that I thought. I had -- eventually I 19 until early in '94. I was -- I was still 20 had a written agreement with The Phillies for 20 retained as a -- as a consultant to help the 21 my employment, but I -- I didn't have any 21 transition between me as the main performer 22 22 copyright or any routines that were and Tom Burgoyne. 23 23 copyrighted and -- none of that. Were you under a -- you had an 24 When did you have that written 24 agreement to be a consultant sometime towards 25 agreement with The Phillies? 25 the end of 1994?